

REMARKS

The Office Action dated April 22, 2004 has been read and carefully considered and the present amendment submitted in order to better distinguish the present invention over the references of record.

In the aforementioned Office Action, claims 1-39 were rejected under 35 U.S.C. 103(a) as being unpatentable over Price, U. S. Patent 4,706,959 in view of Franchi, U. S. Patent 5,770,533.

In the aforesaid Office Action, Applicant appreciates the Examiner's helpful suggestions relating to amendments to the claims to define the "environment", considered by the Examiner to be "broad and vague", to be a "map of a geographical area or a map of a sports field or sports court". While the suggested amendments may be of assistance in defining the claims to encompass one of the embodiments of the present invention, albeit an important embodiment, it is submitted that the present invention has broader aspects and that the limitations of the claims by utilizing the Examiner's suggested language would not adequately protect those broader aspects.

It is noted that the Examiner has indicated that the delineated zones 50, 52, 54 and 56 of Price define an environment, however, the distinction is made in the present claims that further define Applicant's invention over the environment specified in Price. Specifically, with claim 1 as an example, the present invention is restricted to "using an environment in which an event occurs which itself is not a game of chance" but further states that a "said event must occur within or under a zone or on a delineation indicator" (emphasis added) and therefore recites that the event must occur within a very specific area and which is a feature that is not disclosed, taught or even hinted at in the Price reference.

In order to clarify the claim language, the term "either real or created" has been deleted from those claims amended in the prior amendment and have herein been deleted from all of the claims in the present application by means of this amendment.

The distinction in Applicant's invention is that while the use of the invention is certainly beneficial for geographic or sporting contest areas, the invention is believed to have a broader scope, that is, as described in the present specification at page 18, third paragraph, the environment could be drawn from a real life environment, such as traffic movement or people walking down the street. Thus, the use of the term, if restricted to a "geographic of sporting contest area" would not take in all of the environments where an event can occur and which itself not a game of chance and would not, therefore, be adequately encompassed by the amendment language suggested by the Examiner.

In other words, while the Examiner's suggested language does cover a very legitimate and, indeed, primary embodiment of the invention it cannot cover all of the environments where the invention legitimately can be used and which are also valuable for use of the invention.

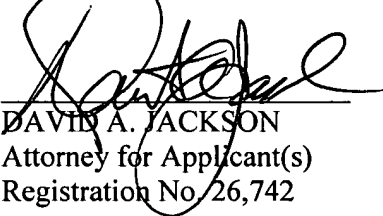
As referred to by the Examiner, Price has zones 50, 52, 54 and 56 that represent an event, however, they do not represent where the event will take place in the environment, that is, it does not matter, in Price, where in the touchdown zone the touchdown actually occurs, only that it occurs. The event represented by the zones of Price represent a normal event in the sporting contest and Price does not disclose or suggest that the location of an event is important, nor does Price hint that such an occurrence when associated with zones is possible or desirable.

On the other hand, the present invention is dependent upon the principle that an event occurs in a location within an environment and that there exists means by

which that environment can be delineated so that when an event occurs within that environment, it will occur within or under a delineated zone or on a delineation indicator and thus be associated with one or more zones. That feature of the present invention is thus submitted to be novel and patentable over all of the cited references and is well defined in the current claim language.

For the foregoing reasons, it is submitted that the present claims of the subject patent application define a patentable invention over the cited references and an allowance of the present patent application is respectfully solicited.

Respectfully submitted,



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